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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No.: CR 05-00126-CRB
)	
Plaintiff,)	STIPULATION TO CONTINUE
)	SENTENCING DATE; [PROPOSED]
v.)	ORDER
)	
EDSEL BANKS,)	Date: August 17, 2005
)	Time: 2:15 p.m.
Defendant.)	
)	

Pursuant to Criminal Local Rule 32-3, the parties hereby stipulate to continue the sentencing hearing in the above case to October 12, 2005 at 2:15 p.m.

1. Good cause for the change in the sentencing date exists because government counsel is unavailable on August 17, 2005. Moreover, the Probation Officer has not yet completed the Presentence Report. The next available date that is agreeable to the parties and the Court is October 12, 2005 at 2:15 p.m. Crim. L.R. 32-2(a)(1).

2. Defendant's counsel has conferred with government counsel and the Probation

STIPULATION TO CONTINUE SENTENCING DATE;
[PROPOSED] ORDER
No.: CR 05-00126-CRB

Officer. All parties are available on October 12, 2005 at 2:15 p.m. Crim. L.R. 32-2(a)(2).

3. Plaintiff's counsel has not conferred with the Courtroom Deputy Clerk, Barbara Espinoza. Plaintiff's counsel left Ms. Espinoza a voicemail message on August 13, 2005. Plaintiff's counsel has reviewed the Court's scheduling notice on the Court's website and confirmed that the Court is not unavailable on October 12, 2005. Crim. L.R. 32-2(a)(3).

IT IS SO STIPULATED.

DATED:

KEVIN V. RYAN
United States Attorney

/s/ Monica Fernandez
MONICA FERNANDEZ
Assistant United States Attorney

DATED:

/s/ Elizabeth Falk
ELIZABETH FALK
Assistant Federal Public Defender
Counsel for Defendant

ORDER

For good cause, the Court HEREBY ORDERS that the sentencing hearing is continued to October 12, 2005 at 2:15 p.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: August 16, 2005

HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT COURT

